

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DERRELL CABELL,

Plaintiff,

v.

CORRECTION OFFICER KEVIN
SWAIN, JOHN DOE, *C.O., Attica C.F.*,

Defendants.

ORDER

6:23-CV-06669 EAW

On April 8, 2025, this Court entered a Decision and Order screening *pro se* plaintiff Derrell Cabell’s (“Plaintiff”) amended complaint. (Dkt. 6). The Decision and Order directed service of Plaintiff’s failure to protect claim upon the two John Doe defendants and requested the New York Attorney General’s assistance in ascertaining the full names and last known service addresses of the defendants.

On April 30, 2025, the Attorney General’s office filed its response stating, in pertinent part: “Officer Kevin Swain was in the area of the attack and was the C.O. that called for an immediate response. Multiple COs, then, responded to the call for emergency help. There was no other CO in the officer’s station at the time of the attack other than Officer Swain.” (Dkt. 7). The Clerk of Court has added Correction Officer Kevin Swain to the docket, issued summons, and sent a service packet to the United States Marshal for service.

In light of the response from the Attorney General, if Plaintiff still contends that a second John Doe failed to protect him, he must provide enough information to identify

him. Plaintiff's response is due on or before **May 30, 2025**. If Plaintiff does not file a response or does not provide sufficient information to identify the defendant, John Doe *C.O., Attica C.F.* will be terminated from this lawsuit.

SO ORDERED.

DATED: May 2, 2025
Rochester, NY

A handwritten signature in black ink, appearing to read "Elizabeth A. Wolford", written over a horizontal line.

ELIZABETH A. WOLFORD
Chief Judge
United States District Court